

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION


UNITED STATES OF AMERICA,)	
)	
vs.)	No. 3:94-CR-0225-D (01)
)	
CAROLYN MARIE WILLIAMS,)	
ID # 26492-077,)	
Defendant.)	

ORDER ACCEPTING REPORT AND RECOMMENDATION
AND ORDER OF TRANSFER

After reviewing all relevant matters of record in this case, including the Report and Recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the findings and conclusions of the Magistrate Judge are correct and they are accepted as the findings and conclusions of the Court.

For the reasons stated in the Report and Recommendation of the United States Magistrate Judge, the Court hereby **CONSTRUES** defendant's "Motion for a New Trial" (doc. 177) as a motion to vacate filed pursuant to 28 U.S.C. § 2255 and **DIRECTS** the Clerk of the Court to open a new civil action; file the instant motion in that action as a § 2255 motion filed March 8, 2005; file this Order in that action as an Order of Transfer; and without further judicial action, immediately transfer the new § 2255 action as a successive motion to vacate to the United States Court of Appeals for the Fifth Circuit pursuant to *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002) and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). The Clerk shall transmit a copy of this Order to defendant and shall close the new civil action for statistical purposes.

SIGNED August 26, 2005.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE